

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

ERNEST PIPPIN,)	
)	
Petitioner,)	
)	
v)	Civil Action No. 3:07cv613-MHT
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

Pursuant to the orders of this court, the United States has filed a response (Doc. No. 16) addressing the issues presented by the petitioner in his 28 U.S.C. § 2255 motion. In its response, the government argues that all of the petitioner's claims of ineffective assistance of counsel should be rejected because, as to each claim, the petitioner fails to establish deficient performance by his counsel and prejudice resulting from any alleged deficient performance. In addition, the government argues that the petitioner's claim that the district court violated his rights by refusing to appoint appellate counsel should be dismissed as without merit.

Accordingly, it is

ORDERED that on or before April 2, 2008, the petitioner may file a reply to the response filed by the United States. Any documents or evidence filed after this date will not be considered by the court except upon a showing of exceptional circumstances. At any time after April 2, 2008, the court shall "determine whether an evidentiary hearing is required.

If it appears that an evidentiary hearing is not required, the [court] shall make such disposition of the motion as justice dictates.” Rule 8(a), *Rules Governing Section 2255 Proceedings in the United States District Courts*.

The petitioner is instructed that when responding to the assertions contained in the government’s response, he may file sworn affidavits or other documents in support of his claims. Affidavits should set forth specific facts that demonstrate that the petitioner is entitled to relief on the grounds presented in his § 2255 motion. If documents that have not previously been filed with the court are referred to in the affidavits, sworn or certified copies of those papers must be attached to the affidavits or served with them. When the petitioner attacks the government’s response by use of affidavits or other documents, the court will, at the appropriate time, consider whether to expand the record to include such materials. *See Rule 7, Rules Governing Section 2255 Proceedings in the United States District Courts*. The petitioner is advised that upon expiration of the time for filing a response to this order, the court will proceed to consider the merits of the pending § 2255 motion pursuant to Rule 8(a).

Done this 12th day of March, 2008.

/s/Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE